

REMARKS

Claims 1-23 are pending in the application.

Prior Rejections

Applicant notes and appreciates withdrawal of the prior rejections.

35 U.S.C. § 102 and § 103 Rejections

In the present Office Action, claims 1-2, 10, 16 and 20-21 are rejected under 35 U.S.C. §103(a) as being obvious over Turner (US 2002/0059608) in view of newly cited Wang (U.S. Patent No. 6,675,385). In addition, claims 3, 6-7, 11, 14, 17-18, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Turner, in view of Wang, in further view of Dunn (U.S. Patent 6,668,377). In addition, claims 4 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Turner in view of Wang in further view of Dunn and Kimble (U.S. 2002/0016969). In addition, claims 5 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Turner in view of Wang in further view of Dunn and Lett et al. (U.S. 5,592,551). In addition, claims 8, 9, 15, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Turner in view of Wang in further view of Ohyama (U.S. 2002/0133826). In addition, claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Turner in view of Wang in further view of Dunn and Ohyama. Applicant has carefully reviewed the cited art and considered the examiner's comments. However, Applicant believes the claims recite features neither disclosed nor suggested by the cited art. Accordingly, the Applicant respectfully traverses the above rejections and requests reconsideration in view of the following discussion.

In the present Office Action, the examiner equates a program with the recited module, and a channel (number) with the recited module number. However, claim 1

separately and distinctly recites modules and programs, and recites broadcasting a plurality of modules ... on a single channel. For example, claim 1 recites:

“broadcasting a plurality of modules in a broadcast carousel from a server to a plurality of client devices on a single channel, the plurality of modules in the broadcast carousel corresponding to a plurality of programs, each of said plurality of modules in the broadcast carousel having a unique module number, wherein said plurality of modules are not broadcast responsive to a client request;
sending search criteria from a client device of the plurality of client devices to the server, subsequent to said broadcasting;
receiving the search criteria at the server and identifying a qualifying module number which corresponds to the search criteria;
sending the qualifying module number to the client device;
receiving the qualifying module number at the client device; and
retrieving a first module of said modules at the client device from the single channel, in response to matching the received qualifying module number to said first module.”

In the current Office Action, the Examiner suggests and Applicant agrees that “Turner is silent as to a carousel being used to transmit the modules to the client devices.” The Examiner further suggests

“Wang discloses sending EPG data to a user in the form of Web Pages transmitted on a carousel (see Column 4, Lines 30-34), therefore Wang clearly discloses broadcasting a plurality of modules (programs for selection by the user) in a broadcast carousel from a server to a plurality of client devices (see Column 3, Lines 41 through Column 4, Line 61) on a single channel (see Figures 2-3, the plurality of modules in the broadcast carousel corresponding to a plurality of programs (see Figures 4-10), each of said plurality of modules in the broadcast carousel having a unique module number (see Figures 4-10 for the modules containing channel numbers, date, time and year information).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the transmission scheme from the sever to the client, as taught by Turner, to utilize a broadcast carousel, as taught by Wang, for the purpose of providing an EPG that is much more efficient in terms of processing power and cost compared with running an Internet service in parallel to a proprietary EPG service (see Column 2, Lines 47-49 of Wang).”

Applicant submits that the proposed combination of Turner and Wang does not produce the claimed invention. Turner discloses:

“For example, a user may send a query to the server requesting information as to "what programmes are on this evening relating to cars". The server processes this request and searches the subtitle/closed caption database for information relating to the key words "cars" and "this evening". Any programme information found containing the key words is matched with information from the EPG database and EPG format data is returned to the set top box for display on the display screen. For example, the information returned may include the name of a programme containing the requested information, the channel on which the programme is to be shown, the time of the programme, the length of the programme, a brief summary of what the programme is about and/or the like.” (Turner [0028]).

As may be seen from the above, Turner merely discloses returning information identifying a programme and the channel on which the programme is to be shown. Since Turner does not teach transmitting modules to client devices in a carousel, Turner is silent as to how to find one of a plurality of modules in a broadcast carousel on a single channel, as is recited in claim 1. Wang discloses:

“Web page broadcasts are repeated on a continuing basis. In such manner, headend 16 broadcasts a rotating carousel comprising an ensemble of Web pages in HTML format. At least one group of such Web pages forms the EPG of the present invention.” (Wang, col. 4, lines 30-34).

As may be seen from the above, Wang merely discloses broadcasting a rotating carousel comprising an ensemble of Web pages in HTML format. Adding Wang's carousel to Turner produces a system that returns information identifying a programme and the channel on which the programme is to be shown, wherein the channel may include a rotating carousel comprising an ensemble of Web pages in HTML format. However, even assuming for the sake of argument the suggested equivalences, the proposed combination fails to disclose a mechanism for identifying a particular Web page within the carousel. Accordingly, Applicant finds no teaching or suggestion in the cited art, taken either singly or in combination, of “broadcasting a plurality of modules in a

broadcast carousel from a server to a plurality of client devices on a single channel, the plurality of modules in the broadcast carousel corresponding to a plurality of programs, each of said plurality of modules in the broadcast carousel having a unique module number, wherein said plurality of modules are not broadcast responsive to a client request; ... and retrieving a first module of said modules at the client device from the single channel, in response to matching the received qualifying module number to said first module”, as is recited in claim 1.

In addition, Applicant submits that no motivation for the proposed combination is found in the references. Wang suggests that his system provides an EPG that is much more efficient in terms of processing power and cost compared with running an Internet service in parallel to a proprietary EPG service. However, Turner’s disclosure is entirely unrelated to running an Internet service in parallel to a proprietary EPG service. Applicant finds no suggestion in Wang of any reason to incorporate Turner’s mechanism of finding a particular channel by sending a query to a server. Rather, Wang suggests an improved method of delivering an EPG that is formatted as Web pages. Nor does Turner suggest that there are modules within a channel to be identified. It appears that the proposed combination is motivated by improper use of hindsight in view of the present application.

For at least these reasons, Applicant submits that claim 1 is patentably distinguished from the cited art, taken either singly or in combination. In addition, as each of independent claims 10, 16, 18 and 20 include similar features, each of these claims is believed patentably distinguished for similar reasons. Further, as each of the dependent claims includes at least the features of the claims upon which they depend, each of dependent claims are believed patentable for at least the reasons given above as well.

Should the examiner still believe there is reason to prevent the present application from proceeding to allowance, the below signed representative would greatly appreciate a telephone call at (512) 853-8866 in order to facilitate a more rapid resolution.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5266-08801/RDR.

Respectfully submitted,

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